

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**NO. 2009-CP-00630-COA**

**THOMAS J. AMERSON**

**APPELLANT**

v.

**STATE OF MISSISSIPPI**

**APPELLEE**

DATE OF JUDGMENT:	03/12/2009
TRIAL JUDGE:	HON. LESTER F. WILLIAMSON JR.
COURT FROM WHICH APPEALED:	LAUDERDALE COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	THOMAS J. AMERSON (PRO SE)
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: LISA LYNN BLOUNT
NATURE OF THE CASE:	CIVIL - POST-CONVICTION RELIEF
TRIAL COURT DISPOSITION:	MOTION FOR POST-CONVICTION RELIEF DISMISSED
DISPOSITION:	AFFIRMED – 12/08/2009
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

**BEFORE MYERS, P.J., IRVING AND GRIFFIS, JJ.**

**IRVING, J., FOR THE COURT:**

¶1. Thomas J. Amerson was convicted of arson and, in a separate cause number, of destroying public property and disorderly conduct. He was sentenced in the aggregate to ten years' imprisonment as a habitual offender. At the time of his convictions, Amerson was also serving a five-year sentence for carrying a concealed weapon. Amerson appealed the arson conviction, which was affirmed by the Mississippi Supreme Court in *Amerson v. State*, 628 So. 2d 1383 (Miss. 1993). Thereafter, Amerson unsuccessfully sought permission from

the Mississippi Supreme Court to pursue post-conviction relief (PCR) in the circuit court. Notwithstanding his failure to obtain permission, Amerson filed a PCR motion in the Lauderdale County Circuit Court, challenging his sentence for the arson conviction.

¶2. The circuit court found that it lacked jurisdiction to consider Amerson’s PCR motion pursuant to Mississippi Code Annotated section 99-39-7 (Rev. 2007) because he had failed to obtain permission from the Mississippi Supreme Court to proceed in the trial court.

¶3. A trial court’s denial of post-conviction relief will not be reversed absent a finding that the trial court’s decision was “clearly erroneous.” *Callins v. State*, 975 So. 2d 219, 222 (¶8) (Miss. 2008) (quoting *Lambert v. State*, 941 So. 2d 804, 807 (¶14) (Miss. 2006)). In addition, “questions of law are reviewed de novo.” *Id.* (quoting *Lambert*, 941 So. 2d at 807 (¶14)).

¶4. In this case, the circuit court was correct that it did not have jurisdiction to consider Amerson’s PCR motion. Section 99-39-7 states that there must be “an order granted allowing the filing of such motion in the trial court.” Therefore, we affirm the judgment of the circuit court.

¶5. **THE JUDGMENT OF THE CIRCUIT COURT OF LAUDERDALE COUNTY DISMISSING THE MOTION FOR POST-CONVICTION RELIEF IS AFFIRMED. ALL COSTS OF THIS APPEAL ARE ASSESSED TO LAUDERDALE COUNTY.**

**KING, C.J., LEE AND MYERS, P.JJ., GRIFFIS, BARNES, ISHEE, CARLTON AND MAXWELL, JJ., CONCUR. ROBERTS, J., NOT PARTICIPATING.**